

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:

GEORGE R. LABRUTTO and
DEBBIE D. RAGONA,

Case No.:

14-14557-VFP

Judge:

Vincent F. Papalia

Chapter:

13

Debtor(s)

Chapter 13 Plan and Motions

☐ Original☒ Modified/Notice Required☒ Discharge Sought☒ Motions Included☐ Modified/No Notice Required☐ No Discharge Sought

Date: January 13, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

The Debtors have paid \$10,272.00 over thirty four (34) months, and;

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 337.00 per month to the Chapter 13 Trustee, starting on February 1, 2017 for approximately 26 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☒ Sale of real property

Description: 276 Seaton Avenue, Roselle Park, NJ 07204-1537

Proposed date for completion: 6 months from November 1, 2016 per Docket No. 196, Order Resolving Motion for Relief, or as further extended.

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

| Creditor | Type of Priority | Amount to be Paid |
|---------------------------------------------------|------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Marie-Ann Greenberg Middlebrooks Shapiro, P.C. | Chapter 13 Trustee (Administrative) Legal Fees and Costs (Administrative) | 10% \$2,000.00 plus any additional fees and costs to be awarded by the Court. |
| Internal Revenue Service State of New Jersey | Taxes (Priority) Taxes (Priority) | \$8,838.59 (POC#7-2) \$3,308.05 (POC#14-1) |

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

*Subject to change during normal servicing of loan.

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|---------------------------------|----------------------------|-------------------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|
| MidFirst Bank (1st Mortgage) | Residence | \$41,812.17 (Docket No. 196 Order Resolving Motion for Relief) | 4.625% (POC#18-1) | \$41,812.17 (Docket No. 196 Order Resolving Motion for Relief) | \$1,348.34* (Notice of Mortgage Payment Change dated 10/10/16) |
| Wells Fargo (2nd Mortgage) | Residence | \$0.00 (Per Consent Order, Docket No. 104) (POC#13-1) | 0.00% (Per Consent Order, Docket No. 104) (POC#13-1) | \$0.00 (Per Consent Order, Docket No. 104) (POC#13-1) | \$207.19 (Per Consent Order, Docket No. 104) |

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor Interest in Collateral | Annual Interest Rate | Total Amount to be Paid |
|------------------------------------------------------------------------|------------|---------------------------|------------------------|----------------|------------------------------------------|----------------------|--------------------------------------------------|
| Wells Fargo (3rd Mortgage) (Confirmed prior, Docket No. 182) | Residence | \$51,608.26 (POC#17-1) | \$135,000 | \$216,614.50 | \$0.00 | 0.00% | Treated as a completely general unsecured claim. |

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

| Creditor | Collateral to be Surrendered | Value of Surrendered Collateral | Remaining Unsecured Debt |
|----------|------------------------------|---------------------------------|--------------------------|
| | | | |

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

| Creditor | Collateral | Total Amount to be Paid Through the Plan |
|----------|------------|------------------------------------------|
| | | |

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☐ Not less than _____ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

| Creditor | Basis For Separate Classification | Treatment | Amount to be Paid |
|----------|-----------------------------------|-----------|-------------------|
| | | | |

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

| Creditor | Nature of Contract or Lease | Treatment by Debtor |
|----------|-----------------------------|---------------------|
| | | |

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

| Creditor | Nature of Collateral | Type of Lien | Amount of Lien | Value of Collateral | Amount of Claimed Exemption | Sum of All Other Liens Against the Property | Amount of Lien to be Avoided |
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|---------------------------------------------|------------------------------|
| | | | | | | | |

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount of Lien to be Reclassified |
|-----------------------------------------------------------------------------------|------------|--------------------------------------------------|
| Wells Fargo (3rd Mortgage) (POC#17-1) (Confirmed prior, Docket No. 182) | Residence | Treated as a completely general unsecured claim. |

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount to be Deemed Secured | Amount to be Reclassified as Unsecured |
|----------|------------|-----------------------------|----------------------------------------|
| | | | |

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Administrative / Legal Fees and Costs
- 3) Priority Unsecured Claims
- 4) Secured Claims
- 5) General Unsecured Claims

d. Post-Petition Claims

The Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 03/03/2016 - Docket No. 168.

Explain below **why** the plan is being modified:

To reflect more time for the Debtors to accomplish the proposed sale of their residence 276 Seaton Avenue, Roselle Park, NJ 07204-1537 (the "Property") through the Plan and reflect updated amounts per filed Order Resolving Motion for Relief from Stay (Docket No. 196).

Explain below **how** the plan is being modified:

Part 1(a) is modified to reflect the amounts paid and to be paid through the Plan; and Part 4(a) is modified to reflect the payments to be made pending sale of the Property and arrears to be paid to MidFirst Bank pursuant to the filed Order Resolving Motion for Relief from Stay.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: January 16, 2017

/s/Angela Nascondiglio
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: January 16, 2017

/s/George R. LaBrutto
Debtor

Date: January 16, 2017

/s/Debbie D. Ragona
Joint Debtor

United States Bankruptcy Court
District of New Jersey

In re:
George R. LaBrutto
Debbie D. Ragona
Debtors

Case No. 14-14557-VFP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf901

Page 1 of 2
Total Noticed: 55

Date Rcvd: Jan 17, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 19, 2017.

db/jdb George R. LaBrutto, Debbie D. Ragona, 276 Seaton Avenue, Roselle Park, NJ 07204-1537
r +Rosa Agency Realtors, 540 North Avenue, Union, NJ 07083-7148
lm Wells Fargo Bank, NA, PO Box 650828, Dallas, TX 75265-0828
514703888 +ALTAIR OH XIII, LLC, C O WEINSTEIN, PINSON, AND RILEY, PS, 2001 WESTERN AVENUE, STE 400,
SEATTLE, WA 98121-3132
514624136 American Express, PO Box 1270, Newark, NJ 07101-1270
514624137 +American Express, PO Box 3001, 16 General Warren Blvd, Malvern, PA 19355-1245
514794679 American Express Centurion Bank, c o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
514624139 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank Of America, Attention: Recovery Department,
4161 Piedmont Pkwy., Greensboro, NC 27410)
514624144 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
(address filed with court: Citibank Sd, Na, Attn: Centralized Bankruptcy, Po Box 20363,
Kansas City, MO 64195)
514624141 +Cach of NJ, LLC, c/o Fein Such Kahn & Shepard, 7 Century Drive, Suite 201,
Parsippany, NJ 07054-4609
514624142 +Capital One Bank, Attn: Bankruptcy Dept., Po Box 30285, Salt Lake City, UT 84130-0285
514624143 +Chase, PO Box 15298, Wilmington, DE 19850-5298
514624145 CitiMortgage, Inc., Attn: Customer Research Team, PO Box 10002, Hagerstown, MD 21747-0002
514869396 CitiMortgage, Inc., P.O. Box 688971, Des Moines, IA 50368-8971
514624146 +Client Services, Inc, 3451 Harry Truman Blvd., Saint Charles, MO 63301-9816
514624147 +Comenity Bank/Dress Barn, Attention: Bankruptcy, P.O. Box 182686, Columbus, OH 43218-2686
514653463 +Department Stores National Bank/Macys, Bankruptcy Processing, Po Box 8053,
Mason, OH 45040-8053
514624149 +Dsnb Macys, 9111 Duke Blvd, Mason, OH 45040-8999
514624150 +Fein, Such, Kahn & Shepard, P.C., 7 Century Drive, Suite 201, Parsippany, NJ 07054-4673
514624151 GE Capital Retail Bank, c/o Eichenbaum & Stylinou, LLC, 10 Forest Avenue, Suite 300,
PO Box 914, Paramus, NJ 07653-0914
514624154 Jacob Collection Group, LLC, 2623 West Oxford Loop, Oxford, MS 38655-5442
514624155 +Lyons Doughty & Veldhuis, P.C., 136 Gaither Drive, Suite 100, P.O. Box 1269,
Mount Laurel, NJ 08054-7269
514624156 +Mauti Medical & Sports Medicine Assoc., c/o Glazer & Kamel, 1207 Grand Street, 3rd Floor,
Elizabeth, NJ 07201-2328
516241949 +MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051
516241950 +MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118, MidFirst Bank,
999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051
514624157 Monarch Recovery Management, Inc., PO Box 1+6119, Philadelphia, PA 19114-0589
514624158 +National Recovery Agen, 2491 Paxton St, Harrisburg, PA 17111-1036
514822968 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Division of Taxation, Bankruptcy Section,
PO Box 245, Trenton, NJ 08695-0245)
514624159 +Sears/cbna, PO Box 6282, Sioux Falls, SD 57117-6282
514624160 +Security Credit Servic, PO Box 1156, Oxford, MS 38655-1156
514624161 +State of New Jersey, Division of Taxation, Revenue Processing Center, PO Box 11,
Trenton, NJ 08601-0011
514838942 +TD BANK USA, N.A., C O WEINSTEIN, PINSON, AND RILEY, PS, 2001 WESTERN AVENUE, STE 400,
SEATTLE, WA 98121-3132
514624162 +Td Bank Usa/targetcred, PO Box 673, Minneapolis, MN 55440-0673
514701780 +WELLS FARGO BANK, N.A., PO BOX 10438, MAC: X2505-036, DES MOINES, IA 50306-0438
514624164 +Wells Fargo, PO Box 60510, Los Angeles, CA 90060-0510
514624165 +Wells Fargo Bank, PO Box 14517, Des Moines, IA 50306-3517
514624166 +Wells Fargo Bank Nv Na, Attn: Deposits Bankruptcy MAC# P6103-05K, PO Box 3908,
Portland, OR 97208-3908
514810815 Wells Fargo Bank, N.A., Home Equity Group, 1 Home Campus X2303-01A,
Des Moines, IA 50328-0001
514624167 Wells Fargo Bank, N.A., PO BOX 650828, Dallas, TX 75265-0828
514865439 +Wells Fargo Bank, NA, 1 Home Campus MAC X2303-01A, Des Moines, IA 50328-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 17 2017 23:43:39 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jan 17 2017 23:43:36 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235

514624138 +E-mail/Text: legal@arsnational.com Jan 17 2017 23:43:19 ARS National Services, Inc.,
PO Box 463023, Escondido, CA 92046-3023

514624135 +E-mail/Text: roy.buchholz@allianceoneinc.com Jan 17 2017 23:42:36
Alliance One Receiveables Management, P.O. Box 3107, Southeastern, PA 19398-3107

514654162 +E-mail/Text: ebn@squaretwofinancial.com Jan 17 2017 23:44:10 CACH, LLC,
4340 S. Monaco Street, 2nd Floor, Denver, CO 80237-3485

514624140 +E-mail/Text: ebn@squaretwofinancial.com Jan 17 2017 23:44:10 Cach Llc/Square Two Financial,
Attention: Bankruptcy, 4340 South Monaco St. 2nd Floor, Denver, CO 80237-3485

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

514781696 E-mail/PDF: rmscedi@recoverycorp.com Jan 17 2017 23:45:42 Capital Recovery V, LLC,
c/o Recovery Management Systems Corporat, 25 SE 2nd Avenue Suite 1120, Miami FL 33131-1605

514633991 E-mail/Text: mrdiscen@discover.com Jan 17 2017 23:42:37 Discover Bank,
DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025

514624148 +E-mail/Text: mrdiscen@discover.com Jan 17 2017 23:42:37 Discover Fin Svcs Llc,
Po Box 15316, Wilmington, DE 19850-5316

514624152 +E-mail/PDF: gecsed@recoverycorp.com Jan 17 2017 23:45:24 GECRB/Gap, Attn: Bankruptcy,
Po Box 103104, Roswell, GA 30076-9104

514624153 E-mail/Text: cio.bncmail@irs.gov Jan 17 2017 23:43:08 Internal Revenue Service,
P.O. Box 21126, Philadelphia, PA 19114

514854010 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 17 2017 23:50:55
Portfolio Recovery Associates, LLC, c/o Capital One, POB 41067, Norfolk VA 23541

514800633 E-mail/Text: bnc-quantum@quantum3group.com Jan 17 2017 23:43:26
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788

514914718 E-mail/PDF: gecsed@recoverycorp.com Jan 17 2017 23:45:07 Synchrony Bank,
c/o Recovery Management Systems Corp, 25 SE 2nd Ave Suite 1120, Miami FL 33131-1605

514624163 E-mail/Text: bnc@alltran.com Jan 17 2017 23:42:39 United Recovery Systems, LP,
P.O. Box 722929, Houston, TX 77272-2929

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

lm* CitiMortgage, Inc., Attn: Customer Research Team, PO Box 10002,
Hagerstown, MD 21747-0002

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 19, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 16, 2017 at the address(es) listed below:

Alexandra T. Garcia on behalf of Loss Mitigation Wells Fargo Bank, NA NJECFMAIL@mwc-law.com
Alexandra T. Garcia on behalf of Creditor Wells Fargo Bank N.A. NJECFMAIL@mwc-law.com
Denise E. Carlon on behalf of Creditor MidFirst Bank dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Jessica M. Minneci on behalf of Joint Debtor Debbie D. Ragona jminneci@middlebrooksshapiro.com
Jessica M. Minneci on behalf of Debtor George R. LaBrutto jminneci@middlebrooksshapiro.com
Joseph M. Shapiro on behalf of Joint Debtor Debbie D. Ragona jshapiro@middlebrooksshapiro.com
Joseph M. Shapiro on behalf of Debtor George R. LaBrutto jshapiro@middlebrooksshapiro.com
Marie-Ann Greenberg magecf@magtrustee.com
Melinda D. Middlebrooks on behalf of Debtor George R. LaBrutto
middlebrooks@middlebrooksshapiro.com, melindamiddlebrooks@gmail.com
Melinda D. Middlebrooks on behalf of Joint Debtor Debbie D. Ragona
middlebrooks@middlebrooksshapiro.com, melindamiddlebrooks@gmail.com
Phillip B. Linder on behalf of Debtor George R. LaBrutto pbl@linderlawyers.com,
nancy@linderlawyers.com
Phillip B. Linder on behalf of Joint Debtor Debbie D. Ragona pbl@linderlawyers.com,
nancy@linderlawyers.com
R. A. Lebron on behalf of Creditor CITIMORTGAGE, INC. bankruptcy@feinsuch.com
R. A. Lebron on behalf of Loss Mitigation CitiMortgage, Inc. bankruptcy@feinsuch.com

TOTAL: 14